

House Bill 1170 (AS PASSED HOUSE AND SENATE)

By: Representatives Parsons of the 42<sup>nd</sup>, Williams of the 4<sup>th</sup>, Hembree of the 67<sup>th</sup>, Heard of the 104<sup>th</sup>, Smith of the 70<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to the Board of Cosmetology; to change certain provisions relating to examination fees for application for certificate of registration; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, is amended by striking subsection (c) of Code Section 43-10-2, relating to creation of the Board of Cosmetology, and inserting in lieu thereof the following:

"(c) The board shall meet as necessary each year for the purpose of ~~holding examinations~~, adopting rules and regulations, and handling other matters pertaining to duties of the board. Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this chapter."

**SECTION 2.**

Said chapter is further amended by striking Code Section 43-10-9, relating to application for certificate of registration, examination, work permit, reciprocity, study at technical college or public school, and eligibility of licensed barber, and inserting in lieu thereof the following:

"43-10-9.

(a) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of cosmetology shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college

1 degree. If, after review of the application, it is determined that the applicant is at least 17  
2 years of age; has met the minimum educational requirements; is of good moral character;  
3 has completed a 1,500 credit hour study course with at least nine months at a board  
4 approved school or has served as an apprentice in a beauty shop or beauty salon for a  
5 period of at least 3,000 credit hours; has practiced or studied the occupation of  
6 cosmetology; is possessed of the requisite skill in such occupation to perform properly all  
7 the duties of the occupation, including his or her ability in the preparation of tools, in  
8 performing the services mentioned in paragraph (4) of Code Section 43-10-1, and in all the  
9 duties and services incident thereto; ~~has paid to the division director an examination fee in~~  
10 ~~such amount as shall be set by the board by regulation, and has presented himself or herself~~  
11 ~~at the next meeting of the board held for examination of applicants at which such person~~  
12 ~~is scheduled for examination~~ and has passed both a written and a practical examination  
13 approved by the board, a certificate of registration shall be issued to him or her entitling  
14 him or her to practice the occupation of master cosmetologist. Notwithstanding any other  
15 provisions of this subsection, the board shall be authorized to waive any education  
16 requirements under this subsection in cases of hardship, disability, or illness or under such  
17 other circumstances as the board deems appropriate with respect to any applicant who was  
18 enrolled in a board approved school or had completed a board approved study course as of  
19 June 30, 2000.

20 (b) Should an applicant under this Code section fail to pass the written or the practical  
21 examination, the board shall furnish the applicant a statement in writing, stating wherein  
22 the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants  
23 from making subsequent applications to qualify under this Code section, provided they  
24 again pay the required examination fee.

25 (c) An approved applicant for examination under this Code section may be issued a work  
26 permit authorizing said applicant to practice such occupation until the release of the results  
27 of the written and the practical examination for which the applicant is scheduled. If the  
28 applicant fails to appear for the examination or fails any portion of the examination, the  
29 work permit shall be revoked unless the applicant provides just cause to the board as to  
30 why the applicant was unable to appear for the examination.

31 (d) Should an applicant have a current cosmetology license in force from another state or  
32 country, or territory of the United States, or the District of Columbia, where similar  
33 reciprocity is extended to this state and licensure requirements are substantially equal to  
34 those in this state, ~~and have paid to the division director a fee in such amount as shall be~~  
35 ~~set by the board by regulation~~ and pays a fee and submits an application, the applicant may  
36 be issued, without examination, a certificate of registration at the appropriate level,

1 entitling the applicant to practice the occupation of cosmetology or the teaching of  
2 cosmetology at that level, unless the board, in its discretion, sees fit to require a written or  
3 a practical examination subject to the terms and provisions of this chapter.  
4 Notwithstanding any other provisions of this subsection, the board shall be authorized to  
5 waive any education or experience requirements applicable to any person who holds a  
6 current license or certificate to practice cosmetology outside of this state and who desires  
7 to obtain a license or certificate at a level authorized under this Code section to practice at  
8 such level in this state in cases of hardship, disability, or illness or under such other  
9 circumstances as the board deems appropriate.

10 (e) Any person desiring to obtain a certificate of registration at the esthetician level under  
11 the terms of this chapter shall make application through the division director to the board  
12 and shall present proof that he or she has obtained a high school diploma, a general  
13 educational development (GED) diploma, or a postsecondary education or college degree.  
14 If, after review of the application, it is determined that the applicant is at least 17 years of  
15 age; has met the minimum educational requirements; is of good moral character; has  
16 completed a 1,000 credit hour study course of at least nine months at a board approved  
17 school or has served as an apprentice in a beauty shop or beauty salon for a period of at  
18 least 2,000 credit hours; has practiced or studied cosmetic skin care as defined in paragraph  
19 (5) of Code Section 43-10-1; is possessed of the requisite skill to perform properly these  
20 services; ~~has paid to the division director an examination fee in such amount as shall be set~~  
21 ~~by the board by regulation; and has presented himself or herself at the next meeting of the~~  
22 ~~board for examination of applicants at which such person is scheduled for examination and~~  
23 has passed a written and a practical examination approved by the board, a certificate of  
24 registration shall be issued to the applicant entitling the applicant to practice the occupation  
25 of cosmetology at the esthetician level. Notwithstanding any other provisions of this  
26 subsection, the board shall be authorized to waive any education requirements under this  
27 subsection in cases of hardship, disability, or illness or under such other circumstances as  
28 the board deems appropriate with respect to any applicant who was enrolled in a board  
29 approved school or had completed a board approved study course as of June 30, 2000.

30 (f) Any person desiring to obtain a certificate of registration at the nail technician level  
31 under the terms of this chapter shall make application through the division director to the  
32 board and shall present proof that he or she has obtained a high school diploma, a general  
33 educational development (GED) diploma, or a postsecondary education or college degree.  
34 If, after review of the application, it is determined that the applicant is at least 17 years of  
35 age; has met the minimum educational requirements; is of good moral character; has  
36 completed a 525 credit hour study course of at least four months at a board approved school

1 or has served as an apprentice in a beauty shop or beauty salon for a period of at least 1,050  
2 credit hours; has practiced or studied nail care; is possessed of the requisite skill to perform  
3 properly these services; ~~has paid to the division director an examination fee in such amount~~  
4 ~~as shall be set by the board by regulation; and has presented himself or herself at the next~~  
5 ~~meeting of the board held for examination of applicants at which such person is scheduled~~  
6 ~~for examination~~ and has passed both a written and a practical examination approved by the  
7 board, a certificate of registration shall be issued to the applicant entitling the applicant to  
8 practice the occupation of cosmetology at the nail technician level. Notwithstanding any  
9 other provisions of this subsection, the board shall be authorized to waive any education  
10 requirements under this subsection in cases of hardship, disability, or illness or under such  
11 other circumstances as the board deems appropriate with respect to any applicant who was  
12 enrolled in a board approved school or had completed a board approved study course as of  
13 June 30, 2000.

14 (g) Nothing in this Code section shall be construed as preventing a person from obtaining  
15 a certificate of registration for the occupation of cosmetology at the master level, the  
16 esthetician level, or the nail technician level if such person obtains his or her credit hour  
17 study at a State Board of Education approved school or a technical college under the  
18 jurisdiction of the Department of Technical and Adult Education or the Department of  
19 Education rather than at a board approved school.

20 (h) A person licensed to practice barbering under Chapter 7 of this title shall be eligible  
21 to take the master cosmetologist examination provided for in this Code section if that  
22 person completes a board approved 250 hour prescribed course in an approved  
23 cosmetology school, submits a completed application, and pays the proper fees established  
24 by the board.

25 (i) Board members may attend and observe all written and practical examinations held for  
26 certificates of registration pursuant to this Code section."

### 27 SECTION 3.

28 This Act shall become effective upon its approval by the Governor or upon its becoming law  
29 without such approval.

### 30 SECTION 4.

31 All laws and parts of laws in conflict with this Act are repealed.